

FILED*09 OCT 06 11:04USDC-ORP

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BLACK PEARL,

Plaintiff,

Civil No. 09-592-PK

v.

O R D E R

JOHN M. WEID, JAMES F.
BERNATAWICZ, JOHN DOE 1-2,
and UNITED STATES OF
AMERICA,

Defendants.

HAGGERTY, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [16] in this action that recommended granting defendant Weid's Motion to Dismiss [12], and granting defendant United States' Motion to Dismiss for Lack of Jurisdiction [10] "as to the argument that the court lacks personal jurisdiction over Black Pearl's claims," therefore dismissing the action. Findings and Recommendation at 8.

The Findings and Recommendation also concluded that if plaintiff failed to file a Complaint compliant with the legal principles presented in the Findings and Recommendation within thirty days, a final Judgment should issue.

No objections were filed to this Findings and Recommendation, and the case was referred to me. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974).

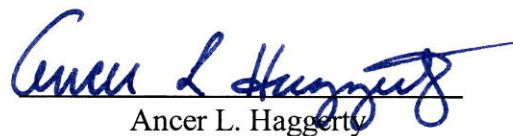
No clear error appears on the face of the record. This court adopts the Findings and Recommendation.

CONCLUSION

The Magistrate Judge's Findings and Recommendation [16] is adopted. Defendant Weid's Motion to Dismiss [12] is granted. Defendant United States' Motion to Dismiss for Lack of Jurisdiction [10] is granted on grounds that – pursuant to the Complaint as pled – the court lacks personal jurisdiction over Black Pearl's claims. This action dismissed without prejudice. If plaintiff fails to file a Complaint compliant with the legal principles presented in the Findings and Recommendation by November 6, 2009, this action will be dismissed with prejudice.

IT IS SO ORDERED.

Dated this 6 day of October, 2009.


Ancer L. Haggerty
United States District Judge